

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: KINDLEIN, Johann et al
Appl. No.: NEW Group:
Filed: October 1, 2003 Examiner:
For: DEVICE FOR IMPLANTING A ROW OF
RADIOACTIVE SEEDS AND NON-RADIOACTIVE
SPACERS IN AN ANIMAL BODY

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION CONCURRENT WITH THE
FILING OF A NEW PATENT APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 1, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. This application was filed on or after June 30, 2003. Accordingly, copies of cited US patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

- c. This application is a National Phase of a PCT application. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should be forwarded from the International Search Authority. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

- b. **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

- c. **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III) (A) (3).

- d. **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

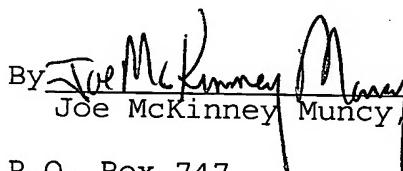
This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy #32,334

KM/tmr
3560-0133P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

- Attachment(s): Form PTO-1449(s)
 Documents
 Foreign Search Report
 Fee
 Other: _____

(Rev. 09/30/03)

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.
3560-0133PAPPLICATION NO.
NEWAPPLICANT
KINDLEIN, Johann et alFILING DATE
October 1, 2003

GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	KIND	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 5,928,130	A	1999-07-27	Schmidt			
	US 6,450,937	B1	2002-09-17	Mercereau et al			
	US 6,095,967	A	2000-08-01	Black et al			
	US 6,210,315	B1	2001-04-03	Andrews et al			
	US						
	US						
	US						
	US						
	US						
	US						

FOREIGN PATENT DOCUMENTS

Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
WO	02/20089	A1	2002-03-14	WO				
EP	1 070 519	A1	2001-01-24	EP				
WO	01/30434	A1	2001-05-03	WO				
WO	97/25102	A1	1997-07-17	WO				

OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.